

Family Support Council Meeting
October 16, 2021
Zoom Meeting
Meeting Minutes

Members present: Sarah Carlson, Amber Finnesand, Christine Kenser, Tim Reinbold, Bridget Leiseth, Pat Norin, Michelle Powers

Members absent: Letty Thelen, Diane Baumiller, Krista Bau

DHS Staff: Jaze Sollars, Kade Anderson, Joey Younie, Julie Hand

I. Call to Order

Amber called the meeting to order at 8:42 AM CT.

II. Introductions

Bridget posed a question to the council as an icebreaker. No new council members that required an introduction.

III. Approval of Minutes

Sarah motioned to approve minutes with her recommended changes of se to Supported Employment and Page 2 capitalize August. Amber seconded the motion. The motion passed with a voice vote.

IV. Family Support 360 Waiver Renewal

A. Therapies

Jaze went over some items on a handout of what changes might be included in the waiver including the different types of therapies. Went over a more in depth look at the different therapies and some definitions surrounding those therapy services.

A council member posed the question on group vs solo lessons and if there was an issue with coordinator stating it needed to be a group activity. Jaze advised that it was a misunderstanding by the coordinator and that should now be resolved.

Bridget requested that the definitions be emailed to everyone. Jaze advised she would follow up with that.

B. Agency With Choice (AWC)

The Division of Developmental Disabilities (DDD) is working through solutions to address the cap of 20 hours per week. What they are learning from other states and internally is there are a couple of options. There is the option that the ALDS waiver uses which is a standard reimbursement rate per hour. It would cover the cost of staff wages and benefits. The other option is for providers to shift the employment agreement from co-employer to a model where the family becomes the employer. There would still be a fiscal agent, but family and employee become a family and employee relationship. The provider would not be an employer and would serve more of a support role. Expected implementation would be June 1st during the waiver renewal.

What would the family be expected to do in the second option? Family would take on the liability of being the employer. The family would be responsible for hiring and firing. All of the paperwork the employer would be responsible for.

What about workers compensation and taxes? Those would still be taken care of by the fiscal agent. Texas is the state that is currently using this model.

Pat advised may need to talk with insurance commissioner in South Dakota to explore further details about the second option. The person who does the hiring would have to bump up their liability coverage. How does that affect someone like Pat? A family can make arrangements to acquire insurance or state that they don't have insurance.

Christine asked about the differences between the options. The main difference between the two options would be cost. The first option would be more expensive to the state and the second would be a more cost-effective option.

The question was asked if there was still a freeze on AWC? LifeQuest was able to add 150 openings so the freeze is no longer in effect. Some feedback is that Community Service Providers did an audit and weren't sure when people left the family. Need a better communication channel for knowing when employees leave. Families are unsure of what they need to do. Families will need inform coordinators so they can get that information passed on to the AWC provider.

C. Survey

DDD is doing a survey about the waiver renewal. Looking to gather feedback from families and participants about anything that families would want addressed in the waiver renewal. Currently the survey is in draft form and DDD is looking for input from the council on the survey.

Feedback:

Would like an option to be able select two or more participants.

Is there a possibility to add definitions?

Are people mostly getting goods and services or is there a mix?

Make sure language stays the same throughout.

Sometimes families may not know what services are available. Maybe clarify what is available.

Which services would be helpful? What does your family need but doesn't receive?

Language is somewhat hard to read.

Amber made a motion to make a subcommittee to review survey and Sarah seconded the motion. Motion passed with a voice vote to create subcommittee.

Members of subcommittee are Sarah, Amber, and Christine.

A. Waiting List

Kade broke down the number of active participants, active referrals, and longest time on waiting list by agency and totals across the program. There are currently 1,328 active participants and 128 people currently on an agency planning list.

A question was asked about the participants on an agency planning list and if they were currently receiving any services? The Strengthening Families Program is being utilized as a resource while families are waiting to get onto a Family Support 360 program.

B. Grievances Filed

Can the council know about grievances that have been filed? Grievances should be started at the agency level and this process should be went over every year with the family.

In the past have there been instances where the state has been involved in a grievance. Has the state been involved in any grievances with families? The state has received specific appeals for terminations and requests for services.

Has there been any grievances related to the 20-hour cap for AWC? Jaze advised that DDD has not been involved in any grievances for Family Support Services in the last quarter.

Sarah made a request for this to be a standing agenda item. Michelle requested that appeals be included as well. This request will be in the form of numbers and bigger picture items.

Is there an actual step by step process once beyond filing a complaint with the state? Sarah advised that her coordinator goes over this during annual meeting. The final ruling does not have a time frame on final ruling. When filing a grievance, it should start with the agency and if filing a grievance with DDD they would need something in writing citing their specific grievance.

Fair hearings requests need to be submitted in writing. Leveraging your support coordinator at the beginning is probably a great starting point. The coordinator should have the knowledge to assist the family with the grievance process.

One of the forms you are required to sign during each annual meeting is in reference on how to request a fair hearing. DDD audits this information by conducting monthly SMART file reviews and if the coordinator was found to not be going over this with families the coordinator would be cited.

A comment was made by the council that more robust directional information would be helpful for families when it comes to grievances and appeals.

C. Service Explanation to Families

If a family is in a situation and someone says FS might be the right fit; how do they help the family? People who are interested in Family Support should contact intake specialist at DDD or they can still go directly to the provider to start the process. It is possible for a family to not have any contact with the state prior to applying for Family Support services.

This is also part of the Front Door to Supports initiative to have one front door for entry into DDD services. This is a work in progress and is a long-term process.

D. General Funds

How often do the Financial Assistance Guidelines Change? Are these a finite List? Do Categories change?

The Financial Assistance Guidelines are a policy that we follow. DDD writes policies but they need to be approved by the Department of Social Services. The Financial Assistance Guidelines are updated annually but can be updated more frequently. We are not able to just add categories because that is all tied to funding for the program. The legislature is who approves what services we can fund.

If something doesn't fall into a category; how would families know if it would be covered? General funded categories do fall under the umbrella of the Family Support 360 waiver. DDD can make changes to the categories but If we alter categories where there might be a fiscal impact they will need to take more steps. Having the Financial Assistance Guidelines is a requirement from DSS on how to utilize general funds.

If we needed more funds, couldn't we ask for more funds from the legislature? How does it look to expand funding for the general funded services? DDD monitors these types of requests and assesses the request.

Are the Financial Assistance Guidelines available on the website? The guidelines are on DDD's website but DDD is looking to make it easier to find them there.

E. Family Support Council Open Positions

We have not had any new appointments made by Governor's office. Continue to spread the word for people to apply for the council. No current applications for a self-advocate. Any assistance on spreading the word would be beneficial. The application is on the DD website.

F. Positive and Productive Meetings

Michelle made a motion to move topic to December 4th meeting and Bridget seconded the motion. Motion passes with a voice vote.

G. Public Comment

Teri B, A parent with 2 children with a DD. AWC personal experience has been in a hold pattern. Have moved recently and is not able to hire anyone right now. Family Support has worked very well while the family has utilized Family Support 360 in the past. The 20-hour limitations have forced the family to have multiple providers. The family has received mixed communication from AWC organizations. The AWC changes has really affected the family.

Brenda S's companion care provider was working but then took another part time position. Would an AWC be a separate organization or an existing provider? It has been since 1987 since we added another provider. When looking at options look at each stage of life. Adults have very different needs than children. What would allow people some flexibility? Concerned about the fixed rate option for AWC. In ARSD it addresses a waiting list and it looks like we should have a waiting list. The 20-hour AWC issues were a limitation for adults. Is there an in between for the appeals process. Don't want to go a legal direction but some type of resolution process. DDD should clarify among coordinators about how much a coordinator can assist with the appeals process. If anybody had the chance to attend the DD conference it was great.

Teri B advised that AWC kicked off Teri's family with a week's notice. Never experienced that level of disrespect while on Family Support until this year. Some AWC organizations should realize how many families rely on Family Support. Families are very invested with their providers.

Cate D. we used to be on Family Support and have moved to CHOICES because of the inequity of AWC. When an agency has a Family Support Program they don't necessarily have an AWC Program and believes that sometimes creates issues.

Brenda S. advised that there was a subcontract between a family and a Community Support Provider (CSP) and the CSP provider was also was their Family Support Provider. This was deemed a conflict of interest. Family had to make a choice between their family support program changing or the subcontractor changing.

H. Council Discussion

Amber requested council members share what worked well in the meeting. Discussion was had between DDD members and Family Support Council members about what worked for the meeting.

December 4th is the next council meeting at 8:30am and will be on Zoom.

I. **Adjournment**

Michelle made a motion to adjourn the meeting at 12:01 PM CT. Tim seconded the motion. The motion passed with a voice vote.

X

Tim Reinbold
Secretary